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MeS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
097253,174	02/19/99	TAYEBI	A

AMAD TAYEBI
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WESTFORD MA 01886

IM22/1115

EXAMINER

AHMAD, N

ART UNIT	PAPER NUMBER
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1772

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DATE MAILED:

11/15/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.
09/253,174

Applicant(s)
Tayebi

Examiner
Nasser Ahmad

Group Art Unit
1772



☒ Responsive to communication(s) filed on Jul 22, 2000

☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 13-15 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 13-15 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Jul 22, 2000 is ☐ approved ☒ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 13-15 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification, as originally filed, teaches a postable sticker in a multi layer stack or pad as shown in figure -2 (see specification, page 5, lines 23-24). However, the specification fails to teach that "said temporary posting pressure sensitive adhesive - coated postable sticker being directly stacked --- said plurality of identical stickers" and this phrase is considered to be new matter. Further, phrases such as "directly stacked", and "perfect perimeter registration" are also found to be unsupported by the specification. Additionally, the negative phrase "without having any ... identical stickers" is not expressly supported and is considered to be new matters.

3. The amendment filed The amendment to the specification; page -3, line 4, "immediately"; page - 3, line, "identical" and", in perfect ... one another"; page -3, line 6, "without any --- Figure (2) and"; page - 3, line 9, "As shows --- first area" ; page - 6, line 8, "As shown --- second area 9" are all found to be new matter for lack of support in the specification is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no

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amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

Applicant is required to cancel the new matter in the reply to this Office action.

Claims 13 and 15 are rejected under 35 USC 102^b(6) as being anticipated by Haugwitz for reasons of second in paper nos. - 3, 5 and 8, paragraphs - 3, 1 and 2, mailed on September 8, 1999, March 6, 2000 and April 26, 2000, respectively.

Claims 13-15 are rejected under 35 USC 102(b) as being anticipated by Madole for reasons of record in paper no. 8, paragraph - 7.

4. Applicant's arguments filed July 22, 2000 have been fully considered but they are not persuasive. Applicant argued that Haugwitz fails to teach the absence of any protecting means between the stickers. This is not deemed to be convincing because the amended claims contains new matter phrases such as "said temporary posting --- without any protecting means --- identical stickers" which is required to be canceled.

Applicant also argues that Madole fails to teach that the adhesive coated area is located "immediately adjacent" to the top edge and that Madole fails to disclose removal of the adhesive free "registering margin". These are not deemed to be persuasive because Madole's adhesive area is indeed located "immediately adjacent" the top edge in the absence of any showing by the applicant as to what is referred to by said phrase "immediately adjacent. In fact, Madole's adhesive area meets the "adjacent" requirement and also "immediately adjacent" location.

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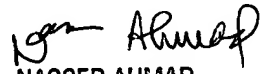
can normally be reached on Monday - Thursday from 8:30 am. to 6:00 p.m. . The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ellis Robinson, can be reached on (703) 308-4424. The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Ahmad/ph

November 9, 2000


NASSER AHMAD
PRIMARY EXAMINER
~~GROUP 1300~~
TC-1700



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